

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12980, of William H. Ballard Sr. and William H. Ballard, Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3104) to use part of the first floor as a 7-11 grocery store, part of the first floor as a self service laundry and the basement for storage in an R-4 District at the premises 1320-1322 5th Street, N.W. (Square 480, Lots 11 and 12).

HEARING DATE: July 18, 1979  
DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. At the public hearing, the Board determined that the property had been posted for only six days, instead of the ten days normally required by Section 3.33 of the Supplemental Rules of Practice and Procedure. The Board further determined that notices had been mailed to the occupants of all improved property within 200 feet, and that there was a substantial likelihood that affected area residents had been notified. The Board voted 3-2 (Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants in favor, Charles R. Norris and Walter B. Lewis opposed) to waive the normal ten day requirement.

2. The subject property is located in an R-4 District on the west side of 5th Street between N and O Streets, N.W.

3. The subject property consists of two lots, known as 1320 and 1322 - 5th Street, N.W. Each lot is improved with a two-story red brick building. Both buildings are used together as a tourist home. The property currently operates under Certificate of Occupancy No. B-99855, issued October 3, 1977 for a rooming house. There are a total of twenty-eight rooms on two floors. The cellar is used for storage.

4. The applicant proposes to convert the first floor of 1322 5th Street for use as a laundromat and convenience food store. The food store will not be part of the 7-11 franchise operation. The applicant proposes to continue to provide fifteen rooms for rent on the first floor of 1320 - 5th Street and the upper floors of both buildings. Storage will be continued in the cellar.

6. There is no evidence in the record to suggest that the property is exceptionally narrow or shallow or is affected by some exceptional topographical condition or other extraordinary or exceptional condition.

7. The property is essentially similar to other residential structures in this block. There are single family residences on either side of the subject property. The other uses in the block are residential in nature.

8. The applicant presented no evidence as to any hardship which would be imposed upon the owner which resulted from the property if the Zoning Regulations were strictly applied.

9. The applicant testified that the property could be used for a residential use permitted in the R-4 District.

10. The creation of a small commercial center, including store, laundromat and tourist home in the middle of a residential district would create serious adverse impact on surrounding property, because of increased traffic, noise and other adverse effects.

11. There was no report from Advisory Neighborhood Commission 2C

12. There is a petition in the record from residents of the block in which the property is located opposed to the location of a food store and laundromat in a residential area.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of an undue hardship upon the owner arising out of some exceptional or unique condition of the property. The Board concludes that the applicant has demonstrated nothing unusual about the site, and has presented no evidence that strict application of the Regulations would constitute a hardship upon the owner. The Board concludes that the property reasonably can be used for a purpose permitted in the R-4 District. The applicant so testified.

The Board concludes that approval of the application would likely cause substantial adverse effects on adjoining residential property. The Board therefore concludes that to permit commercial use of the premises would be contrary to the intent and purposes of the Zoning Regulations and would be of substantial detriment to the public good. It is therefore ORDERED that the application is DENIED.


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VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith, Walter B. Lewis and Leonard L. McCants to DENY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 1 NOV 1979

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.